

OK TO ENTER: /K.L./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor :	Scott Meredith	
Appln. No.:	10/796,644	Confirmation No.: 2206
Filed :	March 9, 2004	Group Art Unit: 2167
For :	COMPRESSION OF LOGS OF LANGUAGE DATA	Examiner: Lovel, Kimberly M.
Docket No.:	M61.12-0602	

RESPONSE AFTER FINAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FILED ELECTRONICALLY

Sir:

This is in response to the Final Office Action mailed on August 19, 2008. In the Final Office Action, claims 1, 2, 5-12 and 14-24 were pending and finally rejected. With this Response, no claims are amended and all claims are presented for reconsideration and allowance.

Section Six of the Office Action indicates that independent claims 1 and 14, among others, were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Warthen (U.S. Patent 6,584,464) in view of Kapur et al. (U.S. Patent Publ. 2004/0199498 – hereinafter “Kapur”) in view of Malpani et al. (U.S. Patent Publ. 2004/0260677 – hereinafter “Malpani”). Applicants respectfully traverse these rejections.

With respect to independent claims 1 and 14, Applicants respectfully submit that there are at least two important flaws in the rejection of those claims.

The first flaw with respect to independent claim 1 begins with the concession that Warthen/Kapur “fails to explicitly disclose the further limitation of training a statistical process with the log.” See Page Five of the Final Office Action. The Office Action then turns to a reference that does not appear to form the basis of the rejection and asserts, “Wang discloses search category classification (see abstract), including the further limitation of training a

statistical process [classification component 120 which implements a statistical model] with the log [training data source] (see [0030] and [0031]).” There is no indication what this “Wang” reference is, and how it is being combined with Kapur and/or Malpani. Applicants note that a Wang reference was previously applied to independent claims 1 and 14 in an Office Action mailed on August 9, 2007. However, the Wang reference was disqualified as prior art under 35 U.S.C. § 103(c) by way of a response filed November 9, 2007. Applicants are puzzled why the Final Office Action continues to rely, at least in part, upon the Wang reference. Initially, Applicants believed that perhaps reference to the Wang disclosure was typographical error, but then Applicants noted that the same Wang reference is used to form a basis, at least in part, of the rejection of independent claim 14. Accordingly, Applicants respectfully submit that the rejection of independent claims 1 and 14 relies, at least in part, on a previously-disqualified reference. For at least this reason, Applicants respectfully submit that independent claims 1 and 14, and all claims which depend thereon, are allowable over the art of record.

The second flaw in the rejection of independent claims 1 and 14 is that Applicants’ previously-presented claim amendment (feeding the compressed log back to the compression operation at least once), which was provided in independent claims 1 and 14, has simply been ignored by the Final Office Action. This has been done under the guise of characterizing the element as the presentation of mere duplication of parts, and then rote citation of a Court of Customs and Patent Appeals case from 1960 which happens to be mentioned in the Manual of Patent Examining Procedure. See Section 2144.04(VI)(B) of the Manual of Patent Examining Procedure. While Applicants do not necessarily agree that the case, which applies to structural elements of an apparatus claim, automatically applies to method steps in a method claim, Applicants respectfully submit that application of the case itself requires that patentable weight be given to the limitations of independent claims 1 and 14. The CCPA did note with respect to claim 1 of the Harza case that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza (124 USPQ 378, 380 (CCPA 1960)). However, Applicants note that when the CCPA considered Harza’s claim 7, which included the duplicate ribs in combination with a spaced relation to one another on each of said

faces, the CCPA believed "the two features taken together create a patentable combination." Id. at 381. With respect to independent claims 1 and 14, mere duplication of the method step would be simply performing the method step a second time with identical input. Instead, more is provided. Specifically, the output provided by the first iteration is used as the input to the second compression step. Accordingly, this is more than mere duplication and, in accordance with the Harza holding, Applicants respectfully submit that it cannot simply be ignored. Applicants respectfully note that no art has been cited to provide this feature. Accordingly, Applicants respectfully submit that independent claims 1 and 14, when properly considered, are allowable over the art of record. Further, Applicants respectfully submit that dependent claims which depend from these allowable independent claims are allowable as well.

In conclusion, Applicants respectfully submit that the entire application is in condition for allowance, or at least in condition for appeal. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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